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Attorneys for LEXINGTON INSURANCE  
 COMPANY, INSURANCE COMPANY OF THE STATE  
 OF PENNSYLVANIA and CHARTIS CLAIMS, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

AMERICAN STEEL & STAIRWAYS, INC.;	)	Case No. 12 cv 3103 SI
MARTIN VOLLRATH, an individual; and	)	
THOMAS VOLLRATH, an individual,	)	[The Honorable Susan Illston]
	)	
Plaintiffs,	)	<b>STIPULATION AND <u>[PROPOSED]</u></b>
	)	<b>ORDER DISMISSING CHARTIS CLAIMS,</b>
v.	)	<b>INC.</b>
	)	
LEXINGTON INSURANCE COMPANY, a	)	
Delaware corporation; INSURANCE	)	
COMPANY OF THE STATE OF	)	
PENNSYLVANIA, a Pennsylvania	)	
corporation; CHARTIS CLAIMS, INC., a	)	
Delaware corporation; and DOES 1 through	)	
100, inclusive,	)	
	)	
Defendants.	)	

**I. STIPULATION**

Lexington Insurance Company, the Insurance Company of the State of Pennsylvania, and Chartis Claims, Inc., by and through their respective attorneys of record herein, stipulate and agree as follows:

1. At all times relevant to this action, Chartis Claims, Inc. (“Chartis Claims”) was acting as the duly authorized claim handling agent of Lexington Insurance Company (“Lexington”) and the Insurance Company of the State of Pennsylvania (“ISOP”).

2. At all times relevant to this action, Chartis Claims was acting within the scope of its authority as claim handling agent of Lexington and ISOP.

3. Lexington and ISOP adopt and ratify as their own, where applicable, all actions taken by Chartis Claims in the investigation and handling of the underlying claims against American Steel & Stairways, Inc. (“American Steel”).

4. All actions by Chartis Claims relative to the investigation and handling of the underlying claims against American Steel are deemed to be the actions of Lexington and ISOP, where applicable.

5. Lexington and ISOP should be substituted in place of Chartis Claims in all pertinent pleadings where appropriate. American Steel, Martin Vollrath, and Thomas Vollrath (collectively “Plaintiffs”) will hereafter prosecute all claims originally asserted against Chartis Claims against Lexington and ISOP. Plaintiffs will not seek to re-assert or re-prosecute claims governed by this stipulation against Chartis Claims. Plaintiffs will refer to all actions taken by Chartis Claims by reference to Lexington and ISOP, where applicable. The caption will be revised to remove any reference to Chartis Claims.

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6. In light of the foregoing, Chartis Claims should be dismissed from this case without prejudice and without costs to either party.

IT IS SO AGREED AND STIPULATED.

DATED: October 12, 2012

SEDGWICK LLP

WILLOUGHBY, STUART & BENING

By: /s/ Diana L. Geseking  
Diana L. Geseking

By: /s/ Alexander F. Stuart  
Alexander F. Stuart

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Attorneys for Plaintiffs AMERICAN  
STEEL & STAIRWAYS, INC., MARTIN  
VOLLRATH and THOMAS VOLLRATH

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 10/16/2012

HONORABLE  
UNITED STATES JUDGE

